

ESTTA Tracking number: **ESTTA575217**

Filing date: **12/06/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048732
Party	Plaintiff Altwater Gessler - J.A. Baczewski International (USA) Inc. and Altwater Gessler - J.A. Baczewski GmbH
Correspondence Address	PETER S SLOANE LEASON ELLIS LLP ONE BARKER AVE, FIFTH FL WHITE PLAINS, NY 10601 UNITED STATES sloane@leasonellis.com, reuber@leasonellis.com, tmdocket@leasonellis.com
Submission	Other Motions/Papers
Filer's Name	Peter S. Sloane
Filer's e-mail	sloane@leasonellis.com, reuber@leasonellis.com, tmdocket@leasonellis.com
Signature	/peter sloane/
Date	12/06/2013
Attachments	Declaration of Peter Sloane ISO Motion to Compel - NON-CONFIDENTIAL.pdf(838647 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----	X	
ALTVATER GESSLER – J.A. BACZEWSKI	:	
INTERNATIONAL (USA) INC. and ALTVATER	:	
GESSLER – J.A. BACZEWSKI LIKÖRERZEUGUNG	:	
GESELLSCHAFT M.B.H. d/b/a	:	
ALTVATER GESSLER – J.A. BACZEWSKI GMBH,	:	
	:	
Petitioners,	:	Cancellation No. 92048732
	:	
v.	:	
	:	
RONALD BECKENFELD,	:	
	:	
Registrant.	:	
	:	
-----	X	

**DECLARATION OF PETER S. SLOANE IN SUPPORT OF PETITIONERS' MOTION
TO COMPEL RESPONDENT'S RESPONSES TO PETITIONERS' THIRD SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS**

I, PETER S. SLOANE, hereby declare and state as follows:

I am a Partner in Leason Ellis LLP, attorneys for Petitioners Altvater Gessler – J.A. Baczewski International (USA) Inc. and Altvater Gessler – J.A. Baczewski Likörerzeugung Gesellschaft m.b.H. d/b/a Altvater Gessler – J.A. Baczewski GmbH. I submit this Declaration in support of Petitioners' Motion to Compel Respondent's Responses to Petitioners' Third Set of Requests for the Production of Documents and Things. The facts stated herein are within my personal knowledge and are true to the best of my knowledge and belief.

1. Attached as **Exhibit A** is Petitioners' Third Set of Requests for the Production of Documents and Things dated February 4, 2013.

2. Attached as **Exhibit B** is Respondent's Responses to Petitioners' Third Set of

Requests for the Production of Documents and Things dated November 7, 2013.

3. On November 18, 2013, the undersigned counsel for Petitioners sent counsel for Respondent an e-mail requesting a telephone conference to discuss deficiencies in Respondent's written discovery responses. A copy of the e-mail is attached as **Exhibit C**.

4. On November 22, 2013, the undersigned counsel for Petitioners and counsel for Respondent held a telephone conference to try to resolve outstanding discovery issues. During the telephone conference, counsel for Respondent stated that his client would not produce any responsive documents concerning the trust account at issue. An e-mail confirming the substance of the telephone discussion is attached as **Exhibit D**.

5. On November 27, 2013, Respondent produced 73 pages of documents. The cover e-mail from counsel for Respondent is attached as **Exhibit E**. None of the documents produced were responsive to those discovery requests of Petitioners concerning the trust account at issue.

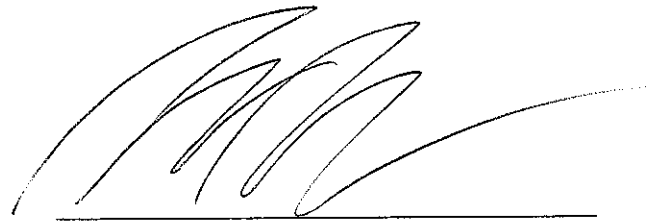
6. Attached as **Exhibit F** are pages 1 and 52-58 of the transcript from the discovery deposition of Mickey Beckenfeld.

7. Attached as **Exhibit G** are pages 1 and 164-165 from the transcript to the discovery deposition of Ronald Beckenfeld.

8. Attached as **Exhibit H** are pages 1, 21-28, and 45-50 from the confidential transcript to the discovery deposition of Ronald Beckenfeld.

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Date: December 6, 2013



Peter S. Sloane

Exhibit A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ALTVATER GESSLER – J.A. BACZEWSKI	X	
INTERNATIONAL (USA) INC. and ALTVATER	:	
GESSLER – J.A. BACZEWSKI GMBH,	:	
	:	
Petitioners,	:	Cancellation No. 92048732
	:	
v.	:	
	:	
RONALD BECKENFELD,	:	
	:	
Registrant.	:	
	X	

**PETITIONERS' THIRD SET OF REQUESTS
FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO REGISTRANT**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules and Practice, Petitioners Altvater Gessler – J.A. Baczewski International (USA) Inc. and Altvater Gessler – J.A. Baczewski GmbH (“Petitioners”) hereby request that the Registrant, Ronald Beckenfeld (“Registrant”), produce the documents and things requested below for inspection and copying at the offices of counsel for Petitioners, Leason Ellis LLP, at One Barker Avenue, Fifth Floor, White Plains, New York 10601, attn: Peter S. Sloane, Esq., or at such other place as agreed to by the parties, within thirty (30) days from the date of service of these requests.

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions set forth in Petitioners’ First Set of Requests for the Production of Documents and Things and in Petitioners’ Second Set of Requests for the Production of Documents and Things shall apply.

DOCUMENTS AND THINGS REQUESTED

REQUEST NO. 1

All trust documents referenced in the discovery deposition of Registrant taken on August 4, 2011.

REQUEST NO. 2

All amendments to the trust documents mentioned in the discovery deposition of Registrant taken on August 4, 2011.

REQUEST NO. 3

Documents sufficient to identify each and every past and present trustee of the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011.

REQUEST NO. 4

All documents referring or relating to the trust documents mentioned in the discovery deposition of Registrant taken on August 4, 2011.

REQUEST NO. 5

All documents of the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011 referring or relating to the mark MONOPOLOWA.

REQUEST NO. 6

All documents evidencing that the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011 had the legal authority to transfer the mark MONOPOLOWA from Mutual to Registrant.

REQUEST NO. 7

All legal bills paid by the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011.

REQUEST NO. 8

All legal bills for this proceeding paid by the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011.

REQUEST NO. 9

All federal and state tax returns of Registrant filed since 2009.

REQUEST NO. 10

All correspondence between Registrant and Lillian Beckenfeld.

REQUEST NO. 11

All correspondence between Registrant and Lillian Beckenfeld referring or relating to Mutual.

REQUEST NO. 12

All correspondence between Registrant and Lillian Beckenfeld referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

REQUEST NO. 13

All correspondence between Registrant and Mickey Beckenfeld.

REQUEST NO. 14

All correspondence between Registrant and Mickey Beckenfeld referring or relating to Mutual.

REQUEST NO. 15

All correspondence between Registrant and Mickey Beckenfeld referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

REQUEST NO. 16

All correspondence between Registrant and Harvey Monastirsky.

REQUEST NO. 17

All correspondence between Registrant and Harvey Monastirsky relating to Mutual.

REQUEST NO. 18

All correspondence between Registrant and Harvey Monastirsky referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

REQUEST NO. 19

All correspondence between Registrant and Linda Monastirsky.

REQUEST NO. 20

All correspondence between Registrant and Linda Monastirsky referring or relating to Mutual.

REQUEST NO. 21

All correspondence between Registrant and Linda Monastirsky referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

REQUEST NO. 22

All correspondence between Registrant and Nicole Monastirsky Kiley.

REQUEST NO. 23

All correspondence between Registrant and Nicole Monastirsky Kiley referring or relating to Mutual.

REQUEST NO. 24

All correspondence between Registrant and Nicole Monastirsky Kiley referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

REQUEST NO. 25

All correspondence between Registrant and John Wilson.

REQUEST NO. 26

All correspondence between Registrant and John Wilson referring or relating to Mutual.

REQUEST NO. 27

All correspondence between Registrant and John Wilson referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

REQUEST NO. 28

All correspondence between Registrant and Steve Lukacs.

REQUEST NO. 29

All correspondence between Registrant and Steve Lukacs referring or relating to Mutual.

REQUEST NO. 30

All correspondence between Registrant and Steve Lukacs referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

REQUEST NO. 31

All correspondence referring or relating to the License.

REQUEST NO. 32

All correspondence referring to any compliance with License terms by Mutual.

REQUEST NO. 33

All correspondence referring to any non-compliance with License terms by Mutual.

REQUEST NO. 34

All correspondence referring or relating to any alleged breach of the License.

REQUEST NO. 35

All documents evidencing that Registrant approved the location, style and manner in which the mark MONOPOLOWA was displayed upon spirits including vodka and upon packaging and advertising for such product.

REQUEST NO. 36

All documents evidencing that Registrant or his duly authored representative entered the premises of Mutual and inspected the product covered by the License.

REQUEST NO. 37

All documents passing between Registrant and any person (including, without limitation, any expert witness) from whom Registrant expects to offer testimony at trial.

REQUEST NO. 38

All other documents on which Registrant intends to rely at trial.

REQUEST NO. 39

All documents relating to, referring to and/or constituting the documents, and/or categories thereof, identified in Registrant's Initial Disclosures pursuant to Fed. R. Civ. P. 26(a).

REQUEST NO. 40

All documents relating to, referring to and/or constituting the documents, and/or categories thereof, identified by Registrant in response to Petitioners' Second Set of Interrogatories to Registrant served simultaneously herewith.

Respectfully submitted,



Dated: February 4, 2013
New York, New York

Peter S. Sloane
Cameron S. Reuber

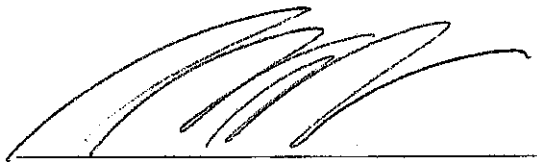
LEASON ELLIS LLP
One Barker Avenue, Fifth Floor
White Plains, New York 10601
Phone: (914) 288-0022

Attorneys for Petitioners

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing **PETITIONERS' THIRD SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS TO REGISTRANT** was served by First-Class mail, postage prepaid, upon counsel for Registrant, this 4th day of February, 2013, addressed as follows:

Michael Lovitz, Esq.
Lovitz IP Law PC
9701 Wilshire Blvd., Ste 1000
Beverly Hills, California 90212

A handwritten signature in black ink, consisting of several fluid, overlapping strokes, positioned above a horizontal line.

Peter S. Sloane

Exhibit B

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ALTVATER GESSLER – J.A.	:	Cancellation 92048732
BACZEWSKI INTERNATIONAL	:	
(USA) INC. and ALTVATER	:	
GESSLER –J.A. BACZEWSKI GMBH,	:	
	:	
Petitioners,	:	Registration No.: 2,731,948
	:	
v.	:	
	:	
RONALD BECKENFELD,	:	
	:	
Respondent	:	Attorney Docket No. B1001-9001

**RESPONDENT’S RESPONSES TO PETITIONER’S THIRD
SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

Respondent, Ronald Beckenfeld (“Beckenfeld”), responds to the Third Set of Requests for Production of Documents and Things propounded by Altvater Gessler – J.A. Baczewski International (USA) Inc. and Altvater Gessler – J.A. Baczewski GMBH (“Petitioners”) as follows:

INTRODUCTION AND GENERAL OBJECTIONS

Respondent hereby specifically incorporates, as if fully set forth herein as applicable to these Requests, the Introduction and General Objections contained in Respondent’s Responses to Petitioner’s First Set of Interrogatories.

RESPONSES

REQUEST NO. 1

All trust documents referenced in the discovery deposition of Registrant taken on August 4, 2011.

RESPONSE

Respondent asserts the Relevancy Objection with respect to this Request.

REQUEST NO. 2

All amendments to the trust documents mentioned in the discovery deposition of Registrant taken on August 4, 2011.

RESPONSE

Respondent asserts the Relevancy Objection with respect to this Request.

REQUEST NO.3

All tax returns for Registrant for each of the past seven years.

RESPONSE

Respondent asserts the Relevancy Objection with respect to this Request.

REQUEST NO. 4

All documents referring or relating to the trust documents mentioned in the discovery deposition of Registrant taken on August 4, 2011.

RESPONSE

Respondent asserts the Relevancy Objection with respect to this Request.

REQUEST NO. 5

All documents of the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011 referring or relating to the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Relevancy Objection with respect to this Request.

REQUEST NO. 6

All documents evidencing that the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011 had the legal authority to transfer the mark MONOPOLOWA from Mutual to Registrant.

RESPONSE

Respondent asserts the Relevancy Objection with respect to this Request.

REQUEST NO. 7

All legal bills paid by the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011.

RESPONSE

Respondent asserts the Relevancy Objection with respect to this Request.

REQUEST NO. 8

All legal bills for this proceeding paid by the trusts mentioned in the discovery deposition of Registrant taken on August 4, 2011.

RESPONSE

Respondent asserts the Privilege, Proprietary Information and Relevancy objections with respect to this Request.

REQUEST NO. 9

All federal and state tax returns of Registrant filed since 2009.

RESPONSE

Respondent asserts the Proprietary Information and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that no tax returned filed since 2009 specifically reference the MONOPOLOWA trademark registration or reflect any income derived from licensing of the MONOPOLOWA trademark.

REQUEST NO. 10

All correspondence between Registrant and Lillian Beckenfeld.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states there is no correspondence between himself and Lillian Beckenfeld in Respondent's possession or control that refers or relates to subject of this proceeding, i.e., the trademark MONOPOLOWA.

REQUEST NO. 11

All correspondence between Registrant and Lillian Beckenfeld referring or relating to Mutual.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that there is no correspondence between himself and Lillian Beckenfeld in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or to Mutual.

REQUEST NO. 12

All correspondence between Registrant and Lillian Beckenfeld referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states there is no correspondence between himself and Lillian Beckenfeld in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or product sold under the trademark MONOPOLOWA.

REQUEST NO. 13

All correspondence between Registrant and Mickey Beckenfeld.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Mickey Beckenfeld in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA has been produced.

REQUEST NO. 14

All correspondence between Registrant and Mickey Beckenfeld referring or relating to Mutual.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Mickey Beckenfeld in Respondent's possession or control that refers or relates to Mutual has been produced.

REQUEST NO. 15

All correspondence between Registrant and Mickey Beckenfeld referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Mickey Beckenfeld in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or product sold under the trademark MONOPOLOWA has been produced.

REQUEST NO. 16

All correspondence between Registrant and Harvey Monastirsky.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Harvey Monastirsky in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA has been produced.

REQUEST NO. 17

All correspondence between Registrant and Harvey Monastirsky relating to Mutual.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Harvey Monastirsky in Respondent's possession or control that refers or relates to Mutual has been produced.

REQUEST NO. 18

All correspondence between Registrant and Harvey Monastirsky referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Harvey Monastirsky in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or product sold under the trademark MONOPOLOWA has been produced.

REQUEST NO. 19

All correspondence between Registrant and Linda Monastirsky.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Linda Monastirsky in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA has been produced.

REQUEST NO. 20

All correspondence between Registrant and Linda Monastirsky referring or relating to Mutual.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Linda Monastirsky in Respondent's possession or control that refers or relates to Mutual has been produced.

REQUEST NO. 21

All correspondence between Registrant and Linda Monastirsky referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Linda Monastirsky in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or product sold under the trademark MONOPOLOWA has been produced.

REQUEST NO. 22

All correspondence between Registrant and Nicole Monastirsky Kiley.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Nicole Monastirsky Kiley in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA has been produced.

REQUEST NO. 23

All correspondence between Registrant and Nicole Monastirsky Kiley referring or relating to Mutual.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Nicole Monastirsky Kiley in Respondent's possession or control that refers or relates to Mutual has been produced.

REQUEST NO. 24

All correspondence between Registrant and Nicole Monastirsky Kiley referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Nicole Monastirsky Kiley in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or product sold under the trademark MONOPOLOWA has been produced.

REQUEST NO. 25

All correspondence between Registrant and John Wilson.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and John Wilson in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA has been produced.

REQUEST NO. 26

All correspondence between Registrant and John Wilson referring or relating to Mutual.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and John Wilson in Respondent's possession or control that refers or relates to Mutual has been produced.

REQUEST NO. 27

All correspondence between Registrant and John Wilson referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and John Wilson in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or product sold under the trademark MONOPOLOWA has been produced.

REQUEST NO. 28

All correspondence between Registrant and Steve Lukacs.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Steve Lukacs in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA has been produced.

REQUEST NO. 29

All correspondence between Registrant and Steve Lukacs referring or relating to Mutual.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Steve Lukacs in Respondent's possession or control that refers or relates to Mutual has been produced.

REQUEST NO. 30

All correspondence between Registrant and Steve Lukacs referring or relating to the mark MONOPOLOWA or product sold under the mark MONOPOLOWA.

RESPONSE

Respondent asserts the Absence of Control and Relevancy objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent states that any and all relevant correspondence between himself and Steve Lukacs in Respondent's possession or control that refers or relates to the trademark MONOPOLOWA or product sold under the trademark MONOPOLOWA has been produced.

REQUEST NO. 31

All correspondence referring or relating to the License.

RESPONSE

Respondent asserts the Absence of Control, Proprietary Information, Work Product and Privilege objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent will produce any non-privileged, non-work product documents responsive to this request in Respondent's possession or control.

REQUEST NO. 32

All correspondence referring to any compliance with License terms by Mutual.

RESPONSE

Respondent asserts the Absence of Control, Proprietary Information, Work Product and Privilege objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent will produce all non-privileged, non-work product documents responsive to this request in Respondent's possession or control.

REQUEST NO. 33

All correspondence referring to any non-compliance with License terms by Mutual.

RESPONSE

Respondent asserts the Absence of Control, Proprietary Information, Work Product and Privilege objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent will produce all non-privileged, non-work product documents responsive to this request in Respondent's possession or control.

REQUEST NO. 34

All correspondence referring or relating to any alleged breach of the License.

RESPONSE

Respondent asserts the Absence of Control, Proprietary Information, Work Product and Privilege objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent will produce all non-privileged, non-work product documents responsive to this request in Respondent's possession or control.

REQUEST NO. 35

All documents evidencing that Registrant approved the location, style and manner in which the mark MONOPOLOWA was displayed upon spirits including vodka and upon packaging and advertising for such product.

RESPONSE

Respondent asserts the Absence of Control, Proprietary Information, Work Product and Privilege objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent will produce all non-privileged, non-work product documents responsive to this request in Respondent's possession or control.

REQUEST NO. 36

All documents evidencing that Registrant or his duly authored representative entered the premises of Mutual and inspected the product covered by the License.

RESPONSE

Respondent asserts the Absence of Control, Proprietary Information, Work Product and Privilege objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent will produce all non-privileged, non-work product documents responsive to this request in Respondent's possession or control.

REQUEST NO. 37

All documents passing between Registrant and any person (including, without limitation, any expert witness) from whom Registrant expects to offer testimony at trial.

RESPONSE

Respondent asserts the Work Product, Privilege and Proprietary Information objections with respect to this Request; additionally, Respondent objects to this request as premature, as such evidence and the list of witnesses is still under consideration and being determined by Respondent. Without waiving these objections, Respondent shall supplement his response and produce all non-privileged, non-work product documents as the same are identified.

REQUEST NO. 38

All other documents on which Registrant intends to rely at trial.

RESPONSE

Respondent asserts the Work Product, Privilege and Proprietary Information objections with respect to this Request; additionally, Respondent objects to this request as premature, as such evidence is still under consideration and being determined by Respondent. Without waiving these objections, Respondent shall supplement his response and produce all non-privileged, non-work product documents as the same are identified.

REQUEST NO. 39

All documents relating to, referring to and/or constituting the documents, and/or categories thereof, identified in Registrant's Initial Disclosures pursuant to Fed. R. Civ. P. 26(a).

RESPONSE

Respondent asserts the Absence of Control, Work Product, Privilege and Proprietary Information objections with respect to this Request; additionally, Respondent objects to this request as premature, as such evidence is still under consideration and being determined by Respondent. Without waiving these objections, Respondent states that the preponderance of responsive documents have previously been produced by Respondent or Mutual. Respondent shall supplement his response and produce any additional non-privileged, non-work product documents as the same are identified.

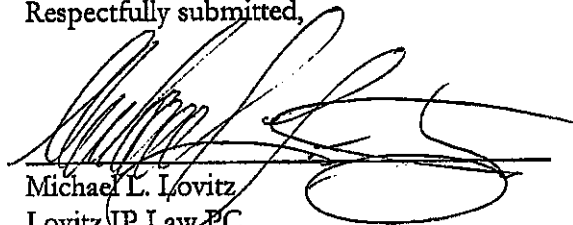
REQUEST NO. 40

All documents relating to, referring to and/or constituting the documents, and/or categories thereof, identified by Registrant in response to Petitioners' Second Set of Interrogatories to Registrant served simultaneously herewith.

RESPONSE

Respondent asserts the Absence of Control, Work Product, Privilege and Proprietary Information objections with respect to this Request. Without waiving the foregoing objections, and in a good faith effort to respond, Respondent will produce all non-privileged, non-work product documents responsive to this request in Respondent's possession or control.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael L. Lovitz', written over a horizontal line.

Michael L. Lovitz
Lovitz IP Law PC
10350 Santa Monica Blvd., Suite 350
Los Angeles, CA 90025
(310) 893-0422

Dated: November 7, 2013

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2013, I caused a copy of the following documents to be served upon the following counsel via e-mail:

**RESPONDENT'S RESPONSES TO PETITIONERS' SECOND SET OF
INTERROGATORIES TO REGISTRANT**

**RESPONDENT'S RESPONSES TO PETITIONERS' THIRD SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS
TO REGISTRANT**

with copies of each sent via 1st class mail to the following address:

Peter S. Sloane
Leason Ellis LLP
One Barker Avenue, Fifth Floor
White Plains, NY 10601
Sloane@leasonellis.com


Michael L. Lovitz

Exhibit C

Peter S. Sloane

From: Peter S. Sloane
Sent: Monday, November 18, 2013 5:02 PM
To: 'Michael Lovitz'
Subject: RE: Discovery responses

Importance: High

Michael:

Thanks. It has been over a week and we have not received the verification or any additional documents. Please let me know when you intend to provide.

Please also let me know when you are filing a change of correspondence address with the Board. I note that your e-mail is now coming from a different firm.

Finally, please let me know when you are available this week to have a telephone conference to discuss the deficiencies in your client's written discovery responses. I would like to speak as soon as possible this week with the holidays upcoming next week.

BR,

Peter S. Sloane
LEASON ELLIS.
One Barker Avenue, Fifth Floor
White Plains, New York 10601
Sloane@LeasonEllis.com
T. 914.821.9073
C. 914.419.6159
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From: Michael Lovitz [<mailto:michael@bowenhayes.com>]
Sent: Friday, November 08, 2013 2:59 AM
To: Peter S. Sloane
Subject: Discovery responses

Hi Peter -

Here are the responses. Hard copies will be mailed once I get back Ron's signature on the Interrogatory responses.

Best regards.

-michael

Michael L. Lovitz, Esq.

BOWEN HAYES & KREISBERG

10350 Santa Monica Blvd., Ste. 350

Los Angeles, CA 90025

Phone: 310-893-0422 [office] / 424-256-8489 [direct]

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E-Mail: michael@bowenhayes.com

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Exhibit D

Peter S. Sloane

From: Peter S. Sloane
Sent: Friday, November 22, 2013 5:48 PM
To: Michael Lovitz (michael@bowenhayes.com)
Subject: Altvater Gessler - J.A. Baczewski International (USA) Inc. and Altvater Gessler - J.A. Baczewski GmbH v. Ronald Beckenfeld (Cancellation No. 92048732) (Our Ref.: 4719/606020-000)

Michael:

This is to confirm our conversation just now regarding the deficiencies in your client's discovery responses. As discussed, some of the issues appear to have been resolved, but others still remain.

We understand that Ron Beckenfeld will not produce the trust documents, which we allege support the sham nature of the assignment and license back transactions. We also understand that he will not respond to our interrogatories and requests to admit regarding same. Accordingly, we will move to compel and to test the sufficiency of those responses.

To the extent that your client answered written discovery by stating that additional responsive documents will be produced, we understand that you will send them to us within the next couple of days, along with any privilege log and a signed verification to the interrogatory responses. We also understand that you will review the ambiguity objection to the responses to admit and consider possible amendment of same.

We look forward to receiving all of the above referenced documents no later than November 27th, since we plan to file our motion to compel after the holiday weekend. To the extent not provided by then, we will include them in our motion.

In terms of clarifying your client's discovery responses, we understand that no documents have been withheld on the ground of confidentiality, even though same may have been raised as an objection, since there is a protective order in place. I also understand that the response to interrogatory number 3 was made with the understanding that the interrogatory request required identification of product category rather than individual units of inventory.

Regards,

Peter S. Sloane
LEASON ELLIS.
One Barker Avenue, Fifth Floor
White Plains, New York 10601
Sloane@LeasonEllis.com
T. 914.821.9073
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Exhibit E

Peter S. Sloane

From: Michael Lovitz <michael@bowenhayes.com>
Sent: Wednesday, November 27, 2013 5:53 PM
To: Peter S. Sloane
Subject: Discovery response update
Attachments: Beckenfeld signed 2d set of Rogs responses.pdf; ATT00001.htm; Response to 1st admissions requests - amended.pdf; ATT00002.htm; 20131127 production of docs.pdf; ATT00003.htm

Hi Peter -

A. Responses to Petitioners' Discovery Requests:

Please find attached the following documents and materials:

- a) the fully-executed signature page for Respondent's Responses to Petitioners' Second Set of Interrogatories
- b) Respondent's First Amended Responses to Petitioners' First Requests for Admission
- c) Additional documents responsive to Petitioners' Requests for Production - we will continue to update these files as additional documents are uncovered or otherwise come to our client's attention.

B. Mutual's Document No. 7297 (as well as 7298-7300)

As previously identified to you, this document was altered at some time by someone at Mutual (although the identify of such person has not yet been disclosed to us) wherein the signature of Elek Gessler was covered by white out. It is our intention to have a restoration company remove the white out so that the signature can be seen unobscured. The efforts undertaken during restoration will be detailed in a declaration by the restoration company.

We expect to have the restoration done in December, but can make the document available to you (or your CA local counsel) for inspection prior to undertaking the restoration activities. Let me know if you wish to inspect the document prior to restoration.

C. Privilege Log

I'm updating the privilege log and will provide you with the same next week.

D. Petitioners' Discovery responses

As we discussed, we are still waiting for an un-redacted copy of the manufacturing agreement between your client and the Horvaths.

Should you have any questions concerning the foregoing, please don't hesitate to contact us.

Best regards.

-michael

Michael L. Lovitz, Esq.

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10350 Santa Monica Blvd., Ste. 350

Los Angeles, CA 90025

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Exhibit F

COPY

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration Nos. 2,731,948

-----X

ALTVATER GESSLER - J.A. BACZEWSKI
INTERNATIONAL (USA) INC. AND ALTVATER
GESSLER - J.A. BACZEWSKI GMBH,

Petitioners,

CANCELLATION NO. 92048732

V.

RONALD BECKENFELD,

Registrant.

-----X

May 8, 2008
10:12 A.M.

Deposition of MICKEY BECKENFELD,
taken by Petitioner, at the offices of Mutual
Wholesale Liquor, 4510 South Boyle Avenue, Los
Angeles, California 90058, before Sara U. Misa, a
Certified Shorthand Reporter and Notary Public
within and for the State of California.

ARTA PASCULLO, President



CLASSIC REPORTING, INC.
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13 West 36th Street • New York, New York 10018
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1 M. Beckenfeld

2 (Discussion off the record.)

3 MR. SLOANE: Back on the record.

4 Q. Mr. Beckenfeld, is Ronald
5 Beckenfeld your son?

6 A. What is that?

7 Q. Is Ronald Beckenfeld your son?

8 A. Yes.

9 Q. Why did Mutual assign the
10 trademark registration for Monopolowa for
11 vodka to Ronald?

12 A. I wanted him to own the label.

13 Q. Why?

14 A. It was his birthday on August
15 26th, my father was born on the same day, so I
16 wanted to represent to him.

17 Q. Did it have anything to do with
18 discussions regarding ownership of the brand
19 and claims made by Baczewski?

20 A. No. Just I wanted to give it to
21 him.

22 Q. What kind of birthday presents do
23 you normally give Ronald?

24 A. You should have it. He got a few
25 million dollars interest.

1 M. Beckenfeld

2 Q. He got a few million at the same
3 time that you transferred the brand?

4 A. Yes.

5 Q. Why did he get the money when the
6 brand was transferred?

7 A. He didn't give me any money, I
8 give it to him.

9 Q. Was there a connection between
10 the money and the transfer of the brand?

11 A. No, I just --

12 Q. You just gave him.

13 What did you give him the year
14 before for a birthday present?

15 A. Probably a million dollars,
16 whatever I can from the trust. We have quite
17 a few million in there.

18 Q. What did -- does Ron Beckenfeld
19 work for Mutual?

20 A. Was a time.

21 Q. At that time?

22 A. No.

23 Q. Has he ever worked for Mutual?

24 A. Yes. Many, many years ago.

25 Q. When was the last time he worked

1 M. Beckenfeld

2 for Mutual?

3 A. Maybe 20 years ago.

4 Q. What does he do now for a living?

5 A. He's manufacturing of vitamins.

6 Q. What's the name of the company
7 that he's working for?

8 A. CVC. He owns it.

9 Q. Does he own it in full?

10 A. He owns it.

11 Q. Does your office share a space
12 with CVC?

13 A. Yeah, and the building. But now
14 he got the building, too.

15 Q. He owns the entire building?

16 A. Yeah.

17 Q. Does he have any experience in
18 the liquor business?

19 A. Whatever takes place in liquor
20 business, he knows it.

21 Q. How does he know?

22 A. I'm talking to him. Whatever
23 happens in the vitamin business, I know it.
24 And I put millions in there for them to answer
25 to me.

1 M. Beckenfeld

2 Q. So you're in control of the
3 vitamin business, too?

4 A. I'm control of the money.

5 Q. What specific knowledge does
6 he -- does Ronald have about the liquor
7 business? Has he ever held a position of
8 authority in the liquor business?

9 A. He used to go for testing.

10 Q. How long ago was that?

11 A. I don't know exactly. Wine
12 tasting.

13 Q. More than ten years ago?

14 A. I don't know.

15 Q. What is Ronald to do with the
16 trademark registration now that you've given
17 it to him?

18 A. I gave it to him.

19 Q. What is he going to do with it?

20 A. It's up to him. Whatever he
21 wants to do.

22 MR. SLOANE: Let's mark this as
23 Exhibit 6,

24 (Document entitled Mutual
25 transferred the Monopolowa

1 M. Beckenfeld
2 trademark to Ron Beckenfeld,
3 marked Petitioners' Exhibit 6 for
4 identification, as of this date.)

5 Q. Are you familiar with this
6 document?

7 A. What's this?

8 Q. Let me ask another question. You
9 shouldn't look to your lawyer to answer the
10 question if you don't know.

11 Do you know whether or not this
12 is the document by which Mutual transferred
13 the Monopolowa trademark to Ron Beckenfeld?

14 A. Is what?

15 Q. Is this the document, the legal
16 document that transferred the trademark from
17 Mutual to Ronald Beckenfeld; is that your
18 understanding?

19 A. We transferred it.

20 Q. Okay. Do you remember signing
21 this document?

22 A. Yes, I remember. I signed it.

23 Q. Do you actually remember signing
24 it? The notary certificate says October 4,
25 2007. Do you remember signing this last year?

1 M. Beckenfeld

2 A. I don't remember.

3 Q. This document says that good and
4 valuable consideration was paid for the
5 assignment. You said that you gave Ronald the
6 trademark registration as a birthday present,
7 did he give you anything in return or did he
8 give Mutual anything in return?

9 A. His love.

10 Q. His love.

11 Did you ever tell Ronald
12 Beckenfeld about Mutual's obligation to pay
13 monies to the Baczewski family as part of the
14 agreement between Mutual and Baczewski?

15 A. No.

16 Q. Does Mutual have any other
17 agreement with Ronald Beckenfeld regarding the
18 trademark Monopolowa?

19 A. A rental.

20 Q. A rental, what does that mean?

21 A. Rent property.

22 Q. Well, do you have any agreement
23 relating to the brand name Monopolowa for
24 vodka?

25 A. What do you mean agreement?

1 M. Beckenfeld

2 Q. Did you have any agreement -- any
3 written agreement between Mutual and your son
4 regarding the trademark Monopolowa, aside from
5 this assignment?

6 A. He hired the attorney.

7 Q. Do you know which attorney
8 prepared this document?

9 A. What is that?

10 Q. Do you know which attorney
11 prepared this document?

12 THE WITNESS: Mike Lovitz, did
13 you prepare this?

14 MR. LOVITZ: Not us.

15 Q. Does Mutual or Ronald Beckenfeld
16 have any plans to produce Monopolowa vodka
17 outside of Austria?

18 A. Well, we are going to buy whether
19 give the labels to own by Baczewski. The
20 Monopolowa label goes to us for the United
21 States. And, in turn, we write up a contract.

22 Q. Okay. But do you have any plans
23 to make the vodka independently outside of
24 Ausria?

25 A. To do business with the label

Exhibit G

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2.731.948

ALTVATER GESSLER - J.A. BACZEWSKI
INTERNATIONAL (USA) INC. and
ALTVATER GESSLER - J.A. BACZEWSKI
GMBH,

Petitioner's,

vs.

Cancellation No.
92048732

RONALD BECKENFELD,

Registrant.

DEPOSITION OF
RONALD BECKENFELD
NONCONFIDENTIAL PORTIONS

August 4, 2011
9:57 a.m.

1875 Century Park East, Suite 500
Los Angeles, California

Stephanie Guice, CSR 13285



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One Penn Plaza
New York, NY 10119
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1 BY MR. SLOANE:

2 Q. Mr. Beckenfeld, did you have occasion to
3 review your father's testimony at the deposition that
4 we took of him in May of 2008?

5 A. I did look at it, yes.

6 Q. When did you look at it?

7 A. Probably right away afterwards.

8 Q. Do you remember there being anything that you
9 believed was incorrect?

10 A. Oh boy. I just can't remember it all.

11 Q. Your father testified at deposition that he's
12 given you millions of dollars; is that true?

13 A. That's not quite accurate.

14 Q. What's not accurate about it?

15 A. The millions.

16 Q. How much has he given you as a gift?

17 A. Pretty much what you saw right there. What
18 those checks were.

19 Q. That's it. Nothing else.

20 A. There was some money for the -- I wanted a --
21 I was going to move into another building. I was going
22 to go out on my own. He didn't want me to move and I
23 split the improvements with him and he gave me some
24 money.

25 Q. Was that the building on Boyle?



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New York, NY 10119
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165

1 A. We put a lot of improvements in there. I was
2 going to move out and just buy my own building and do
3 my own thing.

4 Q. Do you pay -- does CVC pay rent?

5 | A. Yes.

6 Q. It pays rent to your father?

7	A. Correct.
---	-------------

8 Q. Does the rent go into the trust or to your
9 father?

10 A. Well my father is the trust. Everything goes
11 in the trust.

12 MR. SLOANE: I have no further questions.

13 THE WITNESS: Is that it?

14 MR. LOVITZ: That's it.

15 MR. SLOANE: Thank you for appearing here,
16 Mr. Beckenfeld.

17 THE REPORTER: So what are we doing with the
18 confidential portion?

19 MR. SLOANE: You can bind it separately.

20 THE REPORTER: The exhibits separately and the
21 confidential portion of the transcript separately.

22 MR. SLOANE: Yes.

23	///
----	-----

24 | *///*

25	///
----	-----



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Exhibit H

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